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AM2021/54 – Casual terms award review 2021

AMWU Short Note on Provisional Views it Seeks to be Heard on

1. The AMWU files this short note in accordance with the directions made by the Full Bench on 22 June 2021.
2. The below table lists the provisional views that the AMWU seeks to be further heard on in its own right. Where a provisional view has not been included in the table, this is because the AMWU does not seek to contest it.

Issue	Contested?
1. Is it the case that the Commission does not have to address the considerations in s.134(1) of the Act in varying an award under Act Schedule 1 cl.48(3), but an award as varied under cl.48(3) must satisfy s.138 of the Act?	The AMWU supports the submissions of the ACTU in this matter.
25. Is the Manufacturing Award casual conversion clause more beneficial than the residual right to request casual conversion under the NES for casual employees employed for less than 12 months, but detrimental in some respects in comparison to the NES for casual employees employed for 12 months or more?	The AMWU accepts some elements of the provisional view but seeks to be heard further on this question.
26. For the purposes of Act Schedule 1 cl.48(2):	The AMWU accepts some elements of the provisional view but seeks to be heard further on this question.

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<ul style="list-style-type: none"> • is the Manufacturing Award casual conversion clause consistent with the Act as amended, and • does the clause give rise to uncertainty or difficulty relating to the interaction between the award and the Act as amended? 	
<p>27. For the purposes of Act Schedule 1 cl.48(3), would confining the Manufacturing Award clause to casual employees with less than 12 months of employment and redrafting it as a clause that just supplements the casual conversion NES, make the award consistent or operate effectively with the Act as amended?</p>	<p>The AMWU agrees that either of the two options proposed in the provisional view provided in response to this question would make the award ‘operate effectively’ with the Act, but seeks to be heard further on why the first of the two aforementioned proposals should be preferred over the latter, and also in relation to how that proposal should be implemented.</p>

END

AMWU National Research Centre

23 June 2021